

### **III. REMARKS**

1. Claims 1, 14, 22 and 26 are amended.
2. Claims 1-7, 9-16 and 18-29 are not unpatentable under 35 U.S.C. §103(a) under Toyryla in view of Alexander et al., U.S. 6,798,767 ("Alexander").

As noted and discussed previously, Toyryla does not disclose or suggest associating the target telephone number with a call type and extracting from the memory a gateway address of the gateway associated with the call type. Alexander does not overcome the above-noted deficiencies.

Alexander discloses a system and method for generating multiple line appearances in a communication network. Alexander discloses allowing multiple telephony devices to be rung in response to a call being made to a single telephony device. A user may associate one or more alternate devices with a target telephony device such that the alternate devices are rung when a call is placed to the target telephony device. This is not the same as associating a target telephone number with a "call type" as claimed by Applicant.

In Alexander functionality relating to multiple line appearances is achieved using call manager software (Fig. 1, 26a; Fig. 2). Alexander teaches that the call manager includes one or more mapping tables (Fig. 4A and 4B). A mapping table translates a telephone number into a network address. The mapping table in Figure 4A maps telephone numbers with a device or a group name. The group may comprise e.g. several gateways. When the call manager selects a gateway from the group, the address associated with that gateway's device name is used (col. 10, lines 1-10;

Fig. 4B, table 120b). The passage cited by the Examiner reveals that it is the call manager who decides the gateway to be used on the basis of telephone number analysis. This is not the same as associating a target telephone number with a call type as is claimed by Applicant.

Applicant's invention according to claim 1 associates a target telephone number with a call type. A gateway address is extracted for the gateway associated with the call type. This is not disclosed or suggested by combining Alexander with Toyryla.

In Alexander, the mapping table associates a network address with a telephone device. (col. 1, lines 55-58). The telephone number determines the gateway to receive the transmission (Col. 5, lines 56-58). In Applicant's invention, there is only one call type per telephone number. However, in Alexander, "a single number 122 may have multiple device or group names 123 with which it is associated". (Col. 8, line 66-Col. 9, line 4). This allows a single calling number to ring more than one other telephone. (Col. 9, lines 2-4). A single number ringing more than one other telephone is not the same as associating a telephone number with a call type.

In Applicant's invention, the target telephone number is associated with a call type, and a gateway address is extracted for the gateway that is associated with the call type.

Additionally, the table of Alexander resides in the network and not in the calling terminal. In Applicant's invention, the association is made in the memory of the calling terminal. Thus, the combination of Alexander and Toyryla does not disclose or suggest each feature of Applicant's invention as claimed by Applicant.

Additionally, it is respectfully submitted that the legal prerequisite of "motivation" for purposes of 35 U.S.C. §103(a) is not present in either Toyryla or Alexander.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. There must also be a reasonable expectation of success, and the reference(s), when combined, must teach or suggest all of the claim limitations. (See M.P.E.P. §2142).

Neither Toyryla nor Alexander provide any suggestion or motivation to be combined or modified as proposed by the Examiner and the Examiner's proposition that Applicant's invention would be obvious as recited in the claims is not supported by the factual contents of Toyryla and Alexander. Motivation for purposes of 35 U.S.C. §103(a) requires that the reference itself and/or the knowledge generally available to one of skill in the art provide the requisite motivation or suggestion to modify the reference.

Toyryla teaches establishing telecommunications connections between subscriber stations. A memory table maintains a part of the number that can be dialed by the subscriber station that corresponds to the gateway number. There is no disclosure or suggestion here of associating anything based on a "call type". All that Alexander adds is the ability to ring more than one telephone line based on a single calling number. There is no disclosure or suggestion in Alexander to store "call types" or allow a single calling number to ring more than one other number based on a call type.

When "the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference". In re Rijckaert, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). Alexander does not teach "extracting from the memory a gateway address of the gateway associated with the call type" as is suggested by the Examiner. Alexander only discusses determine a gateway based on the "telephone number" (col. 5, lines 56-58). The table uses "telephone numbers" serviced by a particular gateway. (col. 9, line 61- col. 10, line 10). There is no teaching in Alexander of replacing a "telephone number" with a "call type" as claimed by Applicant.

Thus, it is submitted that a *prima facie* case of obviousness of claims 1-7, 9-16 and 18-29 over Toyryla and Alexander under 35 U.S.C. §103(a) is not established.

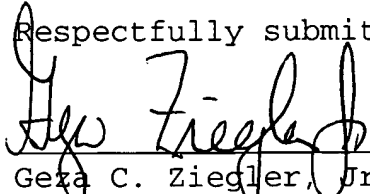
With respect to claims 2, 3, 6, 7, 15 and 16, Toyryla makes no mention of call type as previously discussed. Thus, it could not be obvious to prompt a user to select a call type as claimed by Applicant.

3. Claims 8 and 17 are not unpatentable over Toyryla in view of Alexander and further in view of Darick, at least by reason of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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